

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-521-D

SMOOT HOLDINGS, LLC,
and DAVID M. SMOOT,

Plaintiffs,

v.

CITY OF RALEIGH,
FRANCIS P. RASBERRY, JR.,
and THOMAS A. MCCORMICK,

Defendants.

ORDER

On November 16, 2012, Smoot Holdings, LLC and David M. Smoot III (“plaintiffs”) filed a motion for voluntary dismissal of plaintiffs’ claims without prejudice and a motion to dismiss defendant City of Raleigh’s counterclaim [D.E. 46]. Defendant City of Raleigh and defendants Francis P. Rasberry, Jr. and Thomas A. McCormick (in their official capacities) responded in opposition [D.E. 48]. Likewise, defendants Rasberry and McCormick (in their individual capacities) responded in opposition [D.E. 49].

The court has reviewed the entire record and considered all arguments. Plaintiffs’ motion for voluntary dismissal of plaintiffs’ claims without prejudice [D.E. 46] is GRANTED. See Fed. R. Civ. P. 41(a)(2). The court declines to exercise supplemental jurisdiction over defendant City of Raleigh’s counterclaim. See 28 U.S.C. § 1367(c)(1), (3).

SO ORDERED. This 14 day of January 2013.


JAMES C. DEVER III
Chief United States District Judge